

1 RENE L. VALLADARES
2 Federal Public Defender
3 State Bar No. 11479
4 JOANNE L. DIAMOND
5 Assistant Federal Public Defender
6 411 E. Bonneville, Ste. 250
7 Las Vegas, Nevada 89101
8 (702) 388-6577
9 Joanne_Diamond@fd.org

10 Attorney for Michael Zeto

11
12 **UNITED STATES DISTRICT COURT**
13 **DISTRICT OF NEVADA**
14

15 UNITED STATES OF AMERICA,

16 Plaintiff,

17 v.

18 MICHAEL ZETO,

19 Defendant.

Case No. 2:22-cr-00085-GMN-DJA

**STIPULATION TO CONTINUE
DEADLINE TO ASSERT
PRIVILEGE**
(First Request)

20 IT IS HEREBY STIPULATED AND AGREED, by and between Jason M.
21 Frierson, United States Attorney, and Daniel E. Zytneck, Department of Justice
22 Trial Attorney, counsel for the United States of America, and Rene L. Valladares,
23 Federal Public Defender, and Joanne L. Diamond, Assistant Federal Public
24 Defender, counsel for Michael Zeto, that defense counsel's deadline to assert
25 privilege, currently scheduled for October 25, 2022, be vacated and continued for
26 another 60 days, to December 27, 2022.¹

This Stipulation is entered into for the following reasons:

¹ Sixty days from October 25, 2022, is Christmas Day. December 27, 2022, is the next business day.

1 1. On May 18, 2022, this Court adopted the parties' proposed Complex
2 Case Schedule. ECF No. 19. The schedule provides that defense counsel has 60
3 days from production of potentially privileged documents by the government's
4 filter attorney in which to assert and support any claim of protection through a
5 specific and detailed privilege log. ECF No. at 4, ¶e.

6 2. On August 26, 2022, the filter attorney produced over 15,000
7 documents to defense counsel. Under the scheduling order, the defense must assert
8 privilege by October 25, 2022.

9 3. Defense counsel needs additional time to review these documents in
10 order to determine which are privileged and to prepare a privilege log.

11 4. The defendant is out of custody and agrees with the need for the
12 continuance.

13 5. The parties agree to the continuance.

14 6. This is a complex case within the meaning of that term under Title
15 18, United States Code, Section 3161(h)(7)(B)(ii), in that the nature of the
16 prosecution is such that it is unreasonable to expect adequate trial preparation
17 within the time limits prescribed by the Speedy Trial Act.

18 7. All time from the entry of the defendant's plea in this case until the
19 trial date set by the Court in this matter is excluded under Title 18, United States
20 Code, Section 3161(h)(7)(A), as the ends of justice outweigh the interests of the
21 public and defendant in a speedy trial due to the large volume of discovery and the
22 need to resolve potential attorney-client privilege issues related to discovery.

1 This is the first request for a continuance of the deadline to assert privilege.

2 DATED: October 17, 2022.

3
4 RENE L. VALLADARES
Federal Public Defender

JASON M. FRIERSON
United States Attorney

5
6 */s/ Joanne L. Diamond*
7 By _____
8 JOANNE L. DIAMOND
Assistant Federal Public Defender

/s/ Daniel E. Zytneck
By _____
9 DANIEL E. ZYTNICK
U.S. Department of Justice

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 UNITED STATES OF AMERICA,
4
5 Plaintiff,

6 v.

7 MICHAEL ZETO,
8 Defendant.

Case No. 2:22-cr-00085-GMN-DJA

ORDER

9
10 IT IS THEREFORE ORDERED that the deadline for defense counsel to
11 assert privilege is continued to December 27, 2022.

12 DATED this 18th day of October, 2022.

13
14 
15 _____

UNITED STATES MAGISTRATE JUDGE